

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
TEXARKANA DIVISION

CRAIG SHIPP

PLAINTIFF

VS.

NO. 4:18-CV-0417 SOH

CORRECT CARE SOLUTIONS, LLC,
DR. LORENE LOMAX, DR MIMO LEMDJA,
KIMBERLY HOFMANN, LENORA PHILSON,
KINDALL SMITH, DIANE CUNNINGHAM,
MELISSA STONER, STEVE ARNOLD

DEFENDANTS

ORAL DEPOSITION

OF

MIMO LEMDJA, M.D.

TAKEN NOVEMBER 16, 2018, AT 8:59 A.M.

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1 **encounter?**

2 A I told the nurse -- because the nurse was seeing the
3 patient, so I told the nurse to go ahead and call in the
4 antibiotics. Because we put orders in. We can tell the nurses
5 what you want, and I told him to -- I told her to start
6 antibiotics. I saw the piece of tissue hanging, and I just
7 literally took the scissors and just cut it. No big deal. We
8 do that all the time. And I told her to -- because at that
9 time, she had mentioned that he's a diabetic --

10 Q **Right.**

11 A -- and the patient told me, "I don't have my diabetic
12 shoes," and I told him, "Okay. Well, get it from your family
13 -- go ahead and get it from your family." So the nurse wrote
14 it down because she was the one doing the assessment, and I was
15 just going to order the antibiotics.

16 Q **Do you know whether the facility allows nurses to approve
17 medical devices?**

18 A They don't approve it; I approve it.

19 Q **Oh, okay. So you approved it on February 5th?**

20 A I told the nurse to -- I told the patient to tell the
21 family to bring his -- if he doesn't have it, yeah.

22 Q **Right. Right. But a doctor has to approve an outside
23 medical device for it to come in to SWACCC; correct?**

24 A The doctor has to order -- yeah, has to approve.

25 Q **Right. And so you documented your approval on February**

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1 **5th when you were informed by Mr. Shipp that he needed his**
2 **orthotic shoes?**

3 A I told the nurse to write down that he needs his shoes,
4 yes, sir.

5 **Q Can nurses write prescriptions at SWACCC?**

6 A It's not a prescription.

7 **Q Okay. Can nurses write approvals for medical devices?**

8 A Doctors do it.

9 **Q Right, correct. So you did not write the approval for a**
10 **medical device on February 5th; correct?**

11 A I told the patient to get his shoes if he has them. I
12 told him personally.

13 **Q And that's all you did?**

14 A That's all I did, and the nurse documented.

15 **Q Did you write any other -- or did you communicate this**
16 **with anyone else other than the nurse?**

17 A The nurse was present, and the patient was present, so the
18 three of us.

19 **Q Okay. Did you communicate it with anyone else?**

20 A No.

21 **Q Was there any other reason, in your mind, that you didn't**
22 **want to document this encounter?**

23 A It was documented.

24 **Q Okay. By the nurse?**

25 A By the nurse. They usually say, "The doctor orders," so

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1 Q **But you saw Mr. Shipp?**

2 A -- that I didn't do.

3 Q **Okay.**

4 A I didn't take a history, I didn't examine the patient head
5 to toe, I had no assessment and no plan, so I told her, "I
6 can't do it, because I don't do that. That's not medical."

7 You don't document things that you didn't do.

8 Q **That's not what that email describes, does it?**

9 A That's what it does. I told her, "I will not document
10 anything that I didn't do because I didn't do it." I didn't do
11 a visit to document. I only document visits. I can't --

12 Q **And you just pointed to this email and described what it**
13 **says. I want you to circle on this email -- on this Exhibit 5**
14 **where it says, "I told her I didn't document because I can't**
15 **document what I didn't do."**

16 A Huh?

17 Q **Circle on that.**

18 A Oh, I don't -- that's what it means.

19 Q **Okay. So you underlined on here, and I'm quoting this,**
20 **"She refused to document her interventions because she**
21 **vocalized that," quote, 'She didn't want her name in the chart**
22 **because it was too much of a liability,'" end quote. Looking**
23 **at Exhibit, I believe it's 3, that Physical Assessment 1,**
24 **maybe, or maybe it's --**

25 A 3?

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C E R T I F I C A T E

STATE OF ARKANSAS)

) ss

COUNTY OF FAULKNER)

I, KRISTY L. ROONEY, Certified Court Reporter #529, does hereby certify that the facts stated by me in the caption on the foregoing proceedings are true; and that the foregoing proceedings were reported verbatim through the use of the voice-writing method and thereafter transcribed by me or under my direct supervision to the best of my ability, taken at the time and place set out on the caption hereto.

I FURTHER CERTIFY, that I am not a relative or employee of any attorney or employed by the parties hereto, nor financially interested or otherwise, in the outcome of this action, and that I have no contract with the parties, attorneys, or persons with an interest in the action that affects or has a substantial tendency to affect impartiality, that requires me to relinquish control of an original deposition transcript or copies of the transcript before it is certified and delivered to the custodial attorney, or that requires me to provide any service not made available to all parties to the action.

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ERRATA SHEET

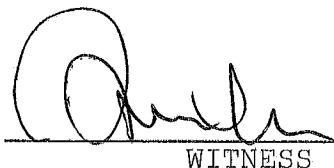
Page 32 Line 9 Change: The encounter was with Nurse Kendall
 To: _____
 Reason: I met him and ordered antibiotics

Page 33 Line 14 Change: yes, I agree to No I don't agree
 To: I do not agree with the email
 Reason: I did not have an encounter w/ Mr. Craig
Ships
checkmark as order from me to Mrs. Smith

Page 36 Line 22-24 Change: The checkmark were not indication of order
 To: _____
 Reason: I misread the order sheet checkmarks
I was wrong on page 36 when I told you
that I order bed rest.

Page 3 Line _____ Change: London bedrest
 To: _____
 Reason: I misread the form and did not
read the form well because I have not seen
the forms in over 2 years

Page _____ Line _____ Change: just to clarify, I looked at the
left foot not the RT foot.
 To: _____
 Reason: bc the nurse just wanted me
to look at his left foot. There was
no issue on his (R) foot when the
nurse wanted me to take medications



WITNESS

Dr. Mimo Lemdja

DATE

1/7/19

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of

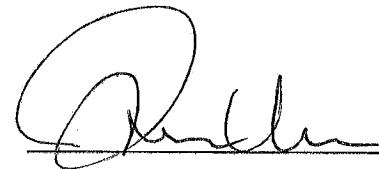
(1)

SIGNATURE PAGE

I, MIMO LEMDJÀ, M.D., do hereby certify that I have read the foregoing 47 pages of typewritten transcript of my testimony, after necessary translation, given under oath on the 16th day of November, 2018, and that the said transcript and corrections, if any, that appear on the attached errata sheet(s), are true and correct to the best of my memory and belief. Further, that I have signed my name to this signature page and authorize that the same be attached to the original transcript.

1/7/2019

DATE



WITNESS

STATE OF ARKANSAS)
COUNTY OF Saline)

SUBSCRIBED AND SWORN to before me, a Notary Public in and for the aforesaid county and state on this the 1st day of January, 2019 ^{5m} 2018.

Serita Marlin
NOTARY PUBLIC

MY COMMISSION EXPIRES:

7/16/2025

